

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv23**

<b>JOHN M. KING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>FLETCHER POLICE OFFICERS</b>	)	
<b>JEFF MEDLEY- JOHN MUNRO</b>	)	
<b>TIM FOX,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court on plaintiff's letter of January 5, 2007, which the court deems to be plaintiff's Motion for Discovery. Having considered plaintiff's letter of January 5, 2007, which the court deems to be plaintiff's motion, and it appearing that proof of service has not been returned as to any defendants, that none of the defendants have Answered, and that issues have not otherwise joined, the request will be denied in accordance with Rule 26(d), Federal Rules of Civil Procedure. Plaintiff is advised that the court is instructing the United States Marshal to serve process on each named defendant.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's letter of January 5, 2007, which the court deems to be plaintiff's Motion for Discovery (#3), is **DENIED**.

**IN ACCORDANCE WITH 28 U.S.C. § 1951(d),** the Clerk of this court is instructed to reissue process and to provide such process along with sufficient service copies of the Complaint, as well as copies of all Orders in this case to the United States Marshal, and that the United States Marshal serve a copy of the Complaint, Summons, this Order and the previous Order of this Court upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

Signed: January 26, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

